

M E M O R A N D U M

TO: Members, Public Disclosure Commission

FROM: Philip E. Stutzman, Director of Compliance

DATE: February 15, 2002

SUBJECT: Status of Compliance Cases

Enclosed is an update of all compliance activity since my last memo to you dated January 11, 2002. If you would like additional information, please let me know.

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Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

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Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Part I

Investigations Completed

Cases Scheduled For Hearing:

Protect Our Pets and Wildlife--Case #01-134; Investigator: Suemary Trobaugh

Date Received: October 20, 2000

Date Started: October 25, 2000

Section of Law: RCW 42.17.080, .090 and .510

Status: Investigation Complete

Summary: A complaint was received from Ed Owens, Chair of Citizens for Responsible Wildlife Management, alleging that Protect Our Pets failed to report in kind contributions from a flyer mailing and a postcard mailing. The postcard mailing allegedly did not contain proper sponsor identification. Mr. Owens also alleged that Protect Our Pets failed to report expenditures for political ads placed with local television stations (King-5, KIRO, and KOMO in Seattle). In addition, Mr. Owens alleged that these ads did not contain proper sponsor identification. A brief enforcement hearing was held on October 18th. However, rather than ruling on the case, the Presiding Officer continued the matter to the November 1st brief hearing date. On November 1, 2001, Chair Christine Yorozu, the Presiding Officer at the hearing, declined to hear additional evidence and moved the matter to be heard by the full Commission. An enforcement hearing was held before the full Commission on January 22, 2002. The Commission instructed the attorneys for the PDC staff and the Respondent to submit briefs on the legal issues for consideration by the Commission on February 26, 2002.

Disposition: Pending

White, James – Case #01-184; Investigator: Suemary Trobaugh

Date Received: January 31, 2001

Date Started: February 2, 2001

Section of Law: RCW 42.17.130 and .750

Status: Investigation Complete

Summary: A complaint was received from Martin Plys alleging that Mayor James White of Kent knowingly solicited campaign contributions from City of Kent employees when he invited employees to his re-election campaign fundraiser. The complaint also alleged that Mayor White used public facilities to assist his

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campaign when he sent an e-mail to all city employees apologizing for having sent invitations to his fundraiser to employees. An enforcement hearing before the full Commission was held December 4, 2002. At that hearing, the Commission rejected a proposed stipulation of Facts, Violations and Penalty. The enforcement hearing has been continued to February 26, 2002.

Disposition: Pending

Marshall, Connie—Case #02-266; Investigator: Kurt Young

Date Received: October 30, 2001

Date Started: November 13, 2001

Section of Law: RCW 42.17.125 and WAC 390-16-238

Status: Investigation Complete

Summary: A complaint was filed by Janice Benson against Connie Marshall, a candidate for Bellevue City Council, alleging that Ms. Marshall used campaign funds to purchase political advertising that supported or opposed two ballot propositions on the 2001 general election ballot. A brief enforcement hearing has been scheduled for March 5, 2002.

Disposition: Pending

Dyer, Karla—Case #02-267; Investigator: Suemary Trobaugh

Date Received: November 5, 2001

Date Started: November 13, 2001

Section of Law: RCW 42.17.080, and .090

Status: Investigation Complete

Summary: A complaint was filed by Earl VanDorien against Karla Dyer, a candidate for Federal Way School Board, alleging that Ms. Dyer failed to make her campaign books and records available for public inspection during the eight day period before the General election, and that Ms. Dyer exceeded the mini reporting limits of \$3,500 in campaign funds raised or spent. A brief enforcement hearing has been scheduled for March 5, 2002.

Disposition: Pending

Shortt, James--Case #02-274; Investigator: Suemary Trobaugh

Date Received: December 12, 2001

Date Started: December 12, 2001

Section of Law: RCW 42.17.040, .240 and .510

Status: Investigation Complete

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Summary: A complaint was filed by Dan Swatman against James Shortt, a write-in candidate for Bonney Lake City Council, alleging that Mr. Shortt failed to timely file a Candidate Registration Statement (PDC Form C-1) and a Personal Financial Affairs Statement (PDC Form F-1), and that he failed to include the proper sponsor identification on political advertising sponsored by his campaign. A brief enforcement hearing has been scheduled for March 5, 2002.

Disposition: Pending

Downs Sr., Jim--Case #02-280: Investigator - Suemary Trobaugh

Date Received: September 19, 2000

Date Started: October 9, 2000

Section of law: RCW 42.17.130

Status: Investigation Complete

Summary: A complaint was received from Senator Don Benton, as Chair of the Washington State Republican Party, alleging that Geoff Simpson, a candidate for state representative and a Kent Firefighter, used fire department equipment in a political advertisement sponsored by Mr. Simpson's campaign during the 2000 election. The political advertisement included photos of Mr. Simpson and other firefighters, in uniform, using a fire truck and equipment belonging to the SeaTac Fire Department. As a result of that investigation, staff decided to allege a violation of RCW 42.17.130 by Jim Downs, Sr., Chief of the SeaTac Fire Department. (See Geoff Simpson, Case No. 01-133). An enforcement hearing before the full Commission has been scheduled for February 26, 2002.

Disposition: Pending

Cases Closed

The following cases were closed as a result of enforcement hearings: (Respondents may appeal the results of enforcement hearings.)

Simpson, Geoff--Case #01-133: Investigator - Suemary Trobaugh

Date Received: September 19, 2000

Date Started: October 9, 2000

Section of law: RCW 42.17.130

Status: Investigation Complete

Summary: A complaint was received from Senator Don Benton, as Chair of the Washington State Republican Party, alleging that Geoff Simpson, a candidate for

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

state representative and a Kent Firefighter, used fire department equipment in a political advertisement sponsored by Mr. Simpson’s campaign during the 2000 election. The political advertisement included photos of Mr. Simpson and other firefighters, in uniform, using a fire truck and equipment belonging to the Sea-Tac Fire Department.

Disposition: An enforcement hearing before the full Commission was held on January 22, 2002. The Commission found that Geoff Simpson committed multiple violations of RCW 42.17.130 by using the facilities of the City of Sea-Tac Fire Department to support his campaign for State Representative. Mr. Simpson was assessed a total civil penalty of \$2,500, of which \$500 was suspended on the condition that for a period of two years from the date of the final order, there are no further violations of any provision of Chapter 42.17 RCW.

Concerned Citizens Action Committee – Case #01-187; Investigator: Suemary Trobaugh

Date Received: February 9, 2001

Date Started: February 16, 2001

Section of Law: RCW 42.17.040, .080, and .090

Status: Investigation Complete

Summary: A complaint was received from Rodney Livengood, Superintendent of Kittitas County Hospital District #2, alleging that Concerned Citizens Action Committee, a group opposed to a February 6, 2001 Hospital District ballot proposition, had not registered or reported to the PDC its activities as a political committee in opposition to a local ballot proposition.

Disposition: A brief enforcement hearing was held on January 16, 2002. The Concerned Citizens Action Committee was found to have violated RCW 42.17.040 by failing to timely file a political committee registration (PDC form C-1pc), and RCW 42.17.080 and 42.17.090 by failing to file a post-election abbreviated summary report (PDC form C-4abb) by March 10, 2001. In addition, the Concerned Citizens Action Committee also failed to make its campaign records available during the public inspection period preceding the February 6, 2001 special election. The Concerned Citizens Action Committee was assessed a civil penalty of \$100.

Wolfe, Cathy—Case #01-229; Investigator: Kurt Young

Date Received: May 16, 2001

Date Started: May 29, 2001

Section of Law: RCW 42.17.710

Note: If the Disposition shows "Pending," the case has not yet been resolved and no finding on the allegations has been made.

Status: Investigation Complete

Summary: A complaint was received from Robert Edelman alleging that then-Representative Cathy Wolfe received a campaign contribution during the 2001 legislative session freeze period.

Disposition: A brief enforcement hearing was held on January 16, 2002. Cathy Wolfe was found in violation of RCW 42.17.710 for accepting a \$50 contribution during the 2001 legislative session freeze period. Ms. Wolfe was assessed a civil penalty of \$250, of which all \$250 is suspended on the condition that for a period of two years from the date of the final order, there are no further violations of any provision of Chapter 42.17 RCW.

**Luther, Rick; Esping, Kevin; & Hurst Christopher (45 Day Letter)--Case #02-272;
Investigator: Kurt Young**

Date Received: December 6, 2001

Date Started: December 6, 2001

Section of Law: RCW 42.17.530

Status: Investigation Complete

Summary: A 45-day letter was filed by Robert Edelman with the Office of the Attorney General and the King County Prosecutor's Office alleging that Rick Luther, Kevin Esping, and Christopher Hurst sponsored political advertising that contained false statements against Barry Kombol, a candidate for mayor of Black Diamond. The Office of the Attorney General forwarded Mr. Edelman's complaint to the PDC for investigation.

Disposition: This matter was presented to the Commission at its January 22, 2002 Commission meeting. The investigation revealed insufficient evidence to prove that the advertisement contained false statements of material fact or were undertaken with actual malice. The Commission concluded that no further action is warranted on the complaint.

**Black Diamond Citizens for Political Responsibility (45 Day Letter)--Case #02-273;
Investigator: Kurt Young**

Date Received: December 6, 2001

Date Started: December 6, 2001

Section of Law: RCW 42.17.530

Status: Investigation Complete

Summary: A 45-day letter was filed by Robert Edelman with the Office of the Attorney General and the King County Prosecutor's Office alleging that the Black Diamond Citizens for Political Responsibility sponsored political advertising that

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contained false statements against Barry Kombol, a candidate for mayor of Black Diamond. The Office of the Attorney General forwarded Mr. Edelman’s complaint to the PDC for investigation.

Disposition: This matter was presented to the Commission at its January 22, 2002 Commission meeting. The investigation revealed insufficient evidence to prove that the advertisement contained false statements of material fact or were undertaken with actual malice. The Commission concluded that no further action is warranted on the complaint.

Rojecki, Keven--Case #02-277: Investigator - Suemary Trobaugh

Date Received: September 19, 2000

Date Started: October 9, 2000

Section of law: RCW 42.17.130

Status: Investigation Complete

Summary: A complaint was received from Senator Don Benton, as Chair of the Washington State Republican Party, alleging that Geoff Simpson, a candidate for state representative and a Kent Firefighter, used fire department equipment in a political advertisement sponsored by Mr. Simpson’s campaign during the 2000 election. The political advertisement included photos of Mr. Simpson and other firefighters, in uniform, using a fire truck and equipment belonging to the SeaTac Fire Department. As a result of the investigation, staff decided to allege a violation of RCW 42.17.130 by Keven Rojecki, a SeaTac Firefighter. (See Geoff Simpson, Case No. 01-133).

Disposition: An enforcement hearing before the full Commission was held on January 22, 2002. The Commission found that Keven Rojecki committed a single violation of RCW 42.17.130 by using the facilities of the City of SeaTac Fire Department to support Geoff Simpson’s Campaign for State Representative. Mr. Rojecki was assessed a civil penalty of \$1,000, of which \$500 was suspended on the condition that for a period of two years from the date of the final order, there are no further violations of any provision of Chapter 42.17 RCW.

Gallup, John--Case #02-277: Investigator - Suemary Trobaugh

Date Received: September 19, 2000

Date Started: October 9, 2000

Section of law: RCW 42.17.130

Status: Investigation Complete

Summary: A complaint was received from Senator Don Benton, as Chair of the Washington State Republican Party, alleging that Geoff Simpson, a candidate for

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state representative and a Kent Firefighter, used fire department equipment in a political advertisement sponsored by Mr. Simpson’s campaign during the 2000 election. The political advertisement included photos of Mr. Simpson and other firefighters, in uniform, using a fire truck and equipment belonging to the SeaTac Fire Department. As a result of the investigation, staff decided to allege a violation of RCW 42.17.130 by John Gallup, a SeaTac Fire Department employee. (See Geoff Simpson, Case No. 01-133).

Disposition: An enforcement hearing before the full Commission was held on January 22, 2002. The Commission found that John Gallup committed a single violation of RCW 42.17.130 by using the facilities of the City of Sea-Tac Fire Department to support Geoff Simpson’s Campaign for State Representative. Mr. Gallup was assessed a civil penalty of \$1,000, of which \$750 was suspended on the condition that for a period of two years from the date of the final order, there are no further violations of any provision of Chapter 42.17 RCW.

The following cases were dismissed with the concurrence of the Chair:

No on Initiative 695 Committee – Case #01-183; Investigator: Suemary Trobaugh

Date Received: January 22, 2001

Date Started: January 24, 2001

Section of Law: RCW 42.17.090

Status: Investigation Complete

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that the No on Initiative 695 Committee has failed to forfeit funds to the State of Washington it received from the International Brotherhood of Teamsters DRIVE Political Fund (Teamsters PAC) as required by RCW 42.17.090 and WAC 390-16-055.

Disposition: Dismissed with the concurrence of the Chair. It was found that the No on I-695 Committee received a \$10,000 contribution from the Teamsters PAC. The No on I-695 Committee properly reported the receipt of the contribution. However, when the Teamsters PAC failed to file the required C-5 report, the express statutory remedy is for the No on I-695 Committee to forfeit the contribution it received. The contribution has been forfeited to the State of Washington by the No on I-695 Committee. PDC staff has made the Teamsters PAC aware of the reporting requirements for federal political action committees that support or oppose candidates, political committees and ballot propositions in Washington State.

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Brotherton, Tom—Case #02-257; Investigator: Suemary Trobaugh

Date Received: October 18, 2001

Date Started: October 24, 2001

Section of Law: RCW 42.17.530

Status: Investigation Complete

Summary: A complaint was received from Mark Zimmerman alleging that Tom Brotherton, a candidate for Kent City Council, sponsored political advertising that contained a false statement of material fact about Mr. Brotherton’s opponent, Bruce White.

Disposition: Dismissed with the concurrence of the Chair. It was found that Mr. Brotherton intended to convey in the political advertisement that Bruce White was a multi-family investor and he acknowledged that a more accurate description than “apartment developer” should have been used. Although Mr. Brotherton was not entirely accurate in his description, there is not clear and convincing evidence that the statement was made with actual malice. Mr. Brotherton relied on information he obtained from individuals he considered knowledgeable, and through personal research he conducted of Mr. White’s ownership of rental property in the Kent area. In addition, Mr. White was able to respond to Mr. Brotherton’s ad, thus mitigating the impact of the statement. Mr. Brotherton was cautioned to be more precise in future political advertising.

Jackley, Brock—Case #02-258; Investigator: Lori Anderson

Date Received: October 5, 2001

Date Started: October 24, 2001

Section of Law: RCW 42.17.080 and .090

Status: Investigation Complete

Summary: A complaint was received from Robert Edelman alleging that the Inlandboatman’s Union PAC (IBU PAC), a federal PAC, and the Marine Engineers Beneficial Association Political Action Fund (MEBA PAF), also a federal PAC failed to file a C-5 report within 10 days of making contributions during the 2000 election cycle. The complaint alleged that Brock Jackley, a state legislative candidate during the 2000 election cycle, and a recipient of campaign contributions from both the IBU PAC and MEBA PAF, failed to forfeit the contributions as required by RCW 42.17.090 and WAC 390-16-055. The complaint also alleged that the Respondent may not have reported receipt of the contribution.

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Disposition: Dismissed with the concurrence of the Chair. It was found that the Brock Jackley Campaign properly reported receipt of the \$200 contribution from the IBU PAC and both of the contributions received by MEBA PAF. The IBU PAC and the MEBA PAF are both federal or out-of-state political action committees that failed to file the C-5 report as required. The statutory remedy is for Representative Jackley to forfeit the contributions received. The contributions have been forfeited to the state as required by Representative Jackley. PDC staff has made the IBU PAC and MEBA PAF aware of the reporting requirements for federal political action committees.

Morris, Jeffrey—Case #02-259; Investigator: Lori Anderson

Date Received: October 5, 2001

Date Started: October 24, 2001

Section of Law: RCW 42.17.080 and .090

Status: Investigation Complete

Summary: A complaint was received from Robert Edelman alleging that the Inlandboatman’s Union PAC (IBU PAC), a federal PAC, and the Marine Engineers Beneficial Association Political Action Fund (MEBA PAF), also a federal PAC failed to file a C-5 report within 10 days of making contributions during the 2000 election cycle. The complaint alleged that Jeffrey Morris, a state legislative candidate during the 2000 election cycle, and a recipient of contributions from the IBU PAC and MEBA PAF, failed to forfeit the contributions as required by RCW 42.17.090 and WAC 390-16-055. The complaint also alleged that the Respondent may not have reported receipt of the contribution.

Disposition: Dismissed with the concurrence of the Chair. It was found that the Jeffrey Morris Campaign received a \$200 contribution from the IBU PAC and a \$250 contribution from MEBA PAF. The IBU PAC and the MEBA PAF are both federal or out-of-state political action committees that failed to file the C-5 report as required. The statutory remedy is for Representative Morris to forfeit the contributions received. The two contributions have been forfeited to the state as required by Representative Morris. PDC staff has made the IBU and MEBA aware of the reporting requirements for federal political action committees.

It was also found that the Jeffrey Morris Campaign failed to include the IBU PAC contribution on a C-3 report. While the contribution information was not itemized on a C-3 report, the amount of the IBU PAC contribution was included in the September 15, 2000 deposit totaling \$2,900. In addition, the contribution

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amount was built into the campaign totals on a Schedule A to a C-4 report filed on October 10, 2000. Since the missing contributor information for the IBU PAC was promptly filed by the Jeffrey Morris Campaign on a C-3 report after being notified, and there was no history of late filings, no further enforcement action was taken.

Snohomish County Democratic Central Committee—Case #02-260; Investigator: Lori Anderson

Date Received: October 5, 2001

Date Started: October 24, 2001

Section of Law: RCW 42.17.080 and .090

Status: Investigation Complete

Summary: A complaint was received from Robert Edelman alleging that the Inlandboatman's Union PAC (IBU PAC), a federal PAC, failed to file a C-5 report within 10 days of making contributions during the 2000 election cycle. The complaint alleged that the Snohomish County Democratic Central Committee, a recipient of contributions from the IBU PAC, failed to forfeit the contributions as required by RCW 42.17.090 and WAC 390-16-055. The complaint also alleged that the Respondent may not have reported receipt of the contribution.

Disposition: Dismissed with the concurrence of the Chair. It was found that the Snohomish County Democratic Central Committee properly reported receipt of the two contributions totaling \$1,050 received from the IBU PAC during the 2000 election cycle. The IBU PAC is a federal or out-of-state political action committee that failed to file the C-5 reports as required. The statutory remedy is for the Snohomish County Democratic Central Committee to forfeit the contributions received. The two contributions have been forfeited to the state as required by the Snohomish County Democratic Central Committee. PDC staff has made the IBU PAC aware of the reporting requirements for a federal political action committee.

Orr, Leona & Epperly, Connie--Case #02-275; Investigator: Suemary Trobaugh

Date Received: December 12, 2001

Date Started: December 12, 2001

Section of Law: RCW 42.17.130

Status: Investigation Complete

Summary: A complaint was filed by Sandra Amodt against Leona Orr and Connie Epperly, both members of the Kent City Council, for allegedly using the facilities of the City of Kent to support candidates for public office.

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Disposition: Dismissed with the concurrence of the Chair. PDC notified Ms. Amodt of the requirement under RCW 42.17.310 and WAC 390-37-040 that a complaint filed with the commission, relating to an elected official or a candidate for public office, be in writing and signed by the complainant under oath. Ms. Amodt failed to re-submit her complaint with the proper certification within 30 days of being notified, thus her complaint was dismissed.

No on Initiative 695 Committee – Case #02-276; Investigator: Lori Anderson

Date Received: October 5, 2001

Date Started: October 25, 2001

Section of Law: RCW 42.17.090

Status: Investigation Complete

Summary: A complaint was received from Robert Edelman alleging that the Inlandboatman's Union PAC (IBU PAC), a federal PAC failed to file a C-5 report within 10 days of making contributions during the 2000 election cycle. The complaint stated that the No on Initiative 695 Committee, a recipient of the contribution from the IBU PAC, failed to forfeit the contribution as required by RCW 42.17.090 and WAC 390-16-055. .

Disposition: Dismissed with the concurrence of the Chair. It was found that the No on I-695 Committee received a \$1,000 contribution from IBU PAC on October 26, 1999. The No on I-695 Committee properly reported the receipt of the contribution. However, when IBU PAC failed to file the required C-5 report, the express statutory remedy is for the No on I-695 Committee to forfeit the contribution it received. The contribution has been forfeited to the State of Washington by the No on I-695 Committee. PDC staff has made the IBU PAC aware of the reporting requirements for federal political action committees.

Cases Referred To Attorney General For Further Action

Cooney, Sadie Charlene--Case #99-053; Investigator: Charlie Schreck

Date Received: October 22, 1998

Date Started: October 23, 1998

Section of Law: RCW 42.17.130 and .680

Status: Investigation Complete

Summary: A complaint was received from Lynda Rouse, alleging that Sadie Charlene Cooney has used public facilities for campaign activities. The complainant alleged that for several years Ms. Cooney has directed employees to

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work on political campaigns using resources of the County Assessor’s office. The complainant also alleged that Ms. Cooney has created a hostile work environment, and has discriminated against employees in violation of RCW 42.17.680. An enforcement hearing was held December 12, 2000.

Disposition: The Commission accepted a Stipulation of Facts and Violations and found actual violations of RCW 42.17.130 and 42.17.750. The parties agreed for the purposes of determining whether the Commission would refer the matter to the Attorney General’s Office that the written information and documentary evidence before the Commission as of December 12, 2000 could serve as the basis for the Commission finding that the Respondent committed apparent violations of RCW 42.17.130 and 42.17.680(2) for the matters in the Notice of Administrative Charges that had not been stipulated to by the parties. The parties also agreed that the facts and violations stipulated to are evidence of agreed-to actual violations of RCW 42.17.130 and RCW 42.17.750, and that those stipulated matters are also appropriate for referral to the Attorney General’s Office. It was agreed that if the Attorney General’s Office declines to file a complaint in Superior Court based upon the apparent and actual violations referenced in the referral or does not enter into a settlement for all the apparent and actual violations referenced in the referral, the case is to be returned to the Public Disclosure Commission for hearing under 42.17 RCW and Commission regulations. Based on the above information, the Commission referred the matter to the Attorney General’s Office. The Commission found that a referral was appropriate because: (1) The maximum penalty that the Commission could impose statutorily was insufficient in light of the number of actual and apparent violations, and (2) The complexity of the issues and facts presented merits consideration by the Attorney General’s Office and a superior court. The Commission also found that if no action is taken by the Attorney General’s Office as described in the Order of Referral, the matter is to be returned to the Commission for hearing.

Concerned Citizens for Better Government (CCBG) and Joseph Coomer, Treasurer, CCBG--#00-241; Investigator: Kurt Young

Date Received: October 21, 1999

Date Started: October 25, 1999

Section of Law: RCW 42.17.080 and .090

Status: Investigation Complete

Summary: A complaint was received from Meg Van Wyk, alleging that Concerned Citizens for Better Government (CCBG) and Joseph Coomer, Treasurer, CCBG, distributed political advertising without properly reporting or

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filing the required campaign disclosure reports. An enforcement hearing was held February 27, 2001.

Disposition: The Commission found that the Respondent committed multiple apparent violations and referred the matter to the Attorney General’s Office.

Washington Education Association—Case #01-002; Investigator: Lori Anderson

Date Received: August 15, 2000

Date Started: August 18, 2000

Section of Law: RCW 42.17.760

Status: Investigation Complete

Summary: A complaint was received from the Evergreen Freedom Foundation and public school employees alleging that the Washington Education Association (WEA) and Washington School Districts are in violation of RCW 42.17.680 and 42.17.760. The complaint alleges that Washington School Districts are in violation of RCW 42.17.680 by withholding dues and fees from employees’ wages that are used by the WEA and the National Education Association (NEA) for contributions to political campaigns. The complaint also alleges that the WEA is violating RCW 42.17.760 by using agency shop fees for political contributions and expenditures without the affirmative authorization of non-members. The complaint was forwarded to the PDC by the Attorney General’s Office following its receipt of the complaint from EFF. The complaint was filed with the Attorney General’s Office and all County Prosecuting Attorneys requesting that an action be commenced in the courts to address the apparent violations of RCW 42.17. The complaint said that if an action were not commenced in court the complainant would seek appropriate legal and equitable relief pursuant to RCW 42.17. RCW 42.17.400(4) provides a 45-day time period before a complainant may take steps to initiate a citizen’s action in superior court.

Disposition: The Commission accepted a Stipulation of Facts, Violations and Recommendations, found that the Respondent committed an apparent violation of RCW 42.17.760, stipulated to as actual violations, and referred the matter to the Attorney General’s Office.

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Part II

Active Investigations

Investigations In Progress

Spies, Garrett—Case #02-265; Investigator: Kurt Young

Date Received: October 29, 2001

Date Started: November 13, 2001

Section of Law: RCW 42.17.530

Status: Under Investigation

Summary: A complaint was filed by Mardee Patton against Garrett Spies, a candidate for Fife City Council, alleging that Mr. Spies sponsored political advertising that contained a false statement of material fact about Ms. Patton, his opponent.

Disposition: Pending

Van Horn, Henry--Case #02-270; Investigator: Kurt Young

Date Received: November 27, 2001

Date Started: November 27, 2001

Section of Law: RCW 42.17.510

Status: Under Investigation

Summary: A complaint was filed by Wanda Keefer against Henry Van Horn, the editor of the Asotin County-Clarkston Gazette, for placing political advertising in the Asotin County-Clarkston Gazette during the 2001 election that failed to include the proper sponsor identification.

Disposition: Pending

Farmers First (Kenton Coy)--Case #02-279; Investigator: Lori Anderson

Date Received: December 4, 2001

Date Started: January 30, 2002

Section of Law: RCW 42.17.040, .080, .090, & 510

Status: Under Investigation

Summary: A complaint was filed by Valeria Barschaw against Farmers First (Kenton Coy) for failing to register and report as a political committee for activities undertaken in opposition to a local ballot proposition, Snohomish

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County Initiative 01-02. In addition, the complaint also alleged failing to include the proper sponsor identification on political advertising.

Disposition: Pending

Permanent Offense, Permanent Offense Incorporated, Traffic Improvement Initiative Committee, and Tim Eyman—Case #02-281; Investigator: Kurt Young; (Also received 45-Day Letter of Complaint)

Date Received: February 6, 2002

Date Started: February 6, 2002

Section of Law: RCW 42.17.080, .090, .120, & .125

Status: Under Investigation

Summary: A complaint was filed by PDC Executive Director Vicki Rippie against Permanent Offense, Permanent Offense Incorporated, Traffic Improvement Initiative Committee, and Tim Eyman alleging the following: 1) failure to properly report committee expenditures, including the purpose of those expenditures; 2) concealing the fact that committee funds were expended to pay Mr. Eyman for compensation for the work he performed on behalf of Permanent Offense; 3) use of committee funds to pay for Mr. Eyman’s personal expenses. In addition, a “45-day letter” complaint was filed by Richard A. Smith and Knoll Lowney, attorneys with Smith & Lowney, PLLC, representing Permanently Offended, with the Office of the Attorney General and the County Prosecutor’s Offices in King, Snohomish and Thurston counties against Permanent Offense, Permanent Offense, Inc., Traffic Improvement Initiative, Tim Eyman, Karen Eyman, and Suzanne Karr alleging violations similar to those outlined in the PDC complaint.

Disposition: Pending

National Education Association—Case #02-282; Investigator: Suemary Trobaugh; (45-Day Letter of Complaint)

Date Received: January 31, 2002

Date Started: February 6, 2002

Section of Law: RCW 42.17.040, .080, .090, .680 and .760

Status: Under Investigation

Summary: A “45-day letter of Complaint” was filed by Jeanne A. Brown, an attorney representing the Evergreen Freedom Foundation (EFF) with the Office of the Attorney General and the all of the County Prosecutor’s Offices statewide against the National Education Association (NEA). The complaint alleged that the NEA violated the following: 1) RCW 42.17.040 by failing to register and

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

report as a political committee; 2) RCW 42.17.680 by failing to obtain employee withholding authorizations prior to the diversion of employees wages to the aforementioned unregistered political committee; and 3) RCW 42.17.760 for using agency fees to make political expenditures without obtaining an affirmative authorization from agency fee payers. The complaint was forwarded to the PDC from the Attorney General’s Office for investigation.

Disposition: Pending

Pioneer School District-- Case #02-283; Investigator: Lori Anderson

Date Received: January 25, 2002

Date Started: February 8, 2002

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from John Diehl alleging that officials of the Pioneer School District used school district facilities to support the February 5, 2002, construction bond issue and maintenance and operation levy.

Disposition: Pending

Herzog, Nathan-- Case #02-284; Investigator: Suemary Trobaugh

Date Received: January 28, 2002

Date Started: February 13, 2002

Section of Law: RCW 42.17.080 and .090

Status: Under Investigation

Summary: A complaint was received from Carolyn Armanini alleging that Nathan Herzog, a candidate for Lake Forrest Park City Council, failed to report campaign contribution and expenditure activities as required for candidates under the full reporting option. Mr. Herzog changed from the mini to the full reporting option on October 5, 2001.

Disposition: Pending

Citizens for Support of Yelm Schools-- Case #02-285; Investigator: Lori Anderson

Date Received: January 29, 2002

Date Started: February 13, 2002

Section of Law: RCW 42.17.040, .080 and .090

Status: Under Investigation

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Summary: A complaint was received from Harold Chambers alleging that the Citizens for Support of Yelm Schools failed to register and report as a political committee supporting a local ballot proposition.

Disposition: Pending

City of Vancouver-- Case #02-286; Investigator: Suemary Trobaugh

Date Received: January 30, 2002

Date Started: February 13, 2002

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Kelly Hinton alleging that officials of the City of Vancouver used city facilities to support a local ballot proposition.

Disposition: Pending

Cases Under Review

Stevens Hospital Medical Staff--Case #98-017; Investigator: Phil Stutzman

Date Received: September 8, 1997

Date Started: September 23, 1997

Section of Law: RCW 42.17.040, .065, .080, .090, and .750

Status: Under Review

Summary: A complaint was received from a member of the Stevens Hospital Medical Staff, expressing concern about mandatory donations to the medical staff association. The complaint said the association spends a significant portion of its funds on ballot propositions affecting the Stevens Hospital District. At issue is whether the Stevens Hospital Medical Staff is a political committee, required to register and report with the Public Disclosure Commission.

Disposition: Pending

Yakima County Fire District #12 (West Valley Fire Department)-- Case #01-198; Investigator: Suemary Trobaugh

Date Received: March 12, 2001

Date Started: March 16, 2001

Section of Law: RCW 42.17.130

Status: Under Review

Summary: A complaint was received from Gary and Carolyn Belles alleging that officials of Yakima County Fire District 12 (West Valley Fire District) have used

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public facilities of the fire district to support an incorporation effort by citizens of West Valley.

Disposition: Pending

Guite, Jerry—Case #02-261; Investigator: Suemary Trobaugh

Date Received: October 22, 2001

Date Started: November 9, 2001

Section of Law: RCW 42.17.100 and .510

Status: Under Review

Summary: A complaint was received from Ronald Clark alleging the Jerry Guite sponsored political advertising supporting four candidates for Des Moines City Council that failed to contain complete sponsor identification information. In addition, it was alleged that the cost of the advertisement was not reported as an independent expenditure. The political advertisement was included on the back of a flyer for AAA Liquidating, a business owned and operated by Mr. Guite.

Disposition: Pending

Benjamin, Richard—Case #02-262; Investigator:

Date Received: October 22, 2001

Date Started: November 9, 2001

Section of Law: RCW 42.17.080 and .090

Status: Under Review

Summary: A complaint was received from Ronald Clark alleging that Richard Benjamin, a candidate for Des Moines City Council, failed to timely file reports of contribution and expenditure activity for the 2001 election as required for a candidate under the full reporting option.

Disposition: Pending

Tuma, Bernardo—Case #02-264; Investigator: Lori Anderson

Date Received: October 25, 2001

Date Started: November 13, 2001

Section of Law: RCW 42.17.040, .080, and .090

Status: Under Review

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Summary: A complaint was filed by Kevin Phelps against Bernardo Tuma, a candidate for Tacoma City Council, alleging Mr. Tuma failed to timely file a Candidate Registration Statement (PDC Form C-1) and reports of contribution and expenditure activity (PDC Forms C-3 and C-4).

Disposition: Pending

Locke, Sydney—Case #02-268; Investigator: Lori Anderson

Date Received: November 14, 2001

Date Started: November 15, 2001

Section of Law: RCW 42.17.080 and .090

Status: Under Review

Summary: A complaint was filed by Gary S. Grayson against Sydney Locke, a candidate for Edmonds City Council, alleging Sydney Locke failed to timely file reports of contribution and expenditure activity undertaken by the Locke campaign (PDC Forms C-3 and C-4).

Disposition: Pending

City of Burien--Case #02-269; Investigator: Suemary Trobaugh

Date Received: November 27, 2001

Date Started: November 27, 2001

Section of Law: RCW 42.17.130

Status: Under Review

Summary: A complaint was filed by Joe Coomer against the City of Burien, alleging the city officials used public facilities to produce and distribute information that opposed a statewide ballot proposition.

Disposition: Pending

Quesenberry, Rosemary--Case #02-271; Investigator: Kurt Young

Date Received: November 27, 2001

Date Started: November 27, 2001

Section of Law: RCW 42.17.530

Status: Under Review

Summary: A complaint was filed by Dan Clawson against Rosemary Quesenberry, a candidate for Renton City Council in 2001, alleging that Ms. Quesenberry sponsored political advertising containing false statements about Dan Clawson. The complaint also alleged that Ms. Quesenberry made a false claim of endorsement.

Disposition: Pending

Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Unions and Candidates – On May 5, 2000, Jami Lund of the Evergreen Freedom Foundation filed 65 complaints against several unions and state office candidates for making or accepting contributions that: (1) were in excess of the limits allowed by RCW 42.17.640; (2) were not reported on PDC form C-7 as required by RCW 42.17.180 and WAC 390-16-071; (3) were not reported on PDC form C-5 as required by RCW 42.17.090; (4) were not forfeited to the state general fund in accordance with RCW 42.17.090 and WAC 390-16-095; (5) were unqualified contributions as set forth in RCW 42.17.640 and WAC 390-16-311; (6) were accepted in excess of the limit allowed as required by RCW 42.17.640 or were not allowed under RCW 42.17.660. The 65 cases were assigned case numbers 00-890 through 00-954. Brief enforcement hearings were held September 25, 2000 for 11 of the 65 cases and on January 22, 2001 for one case. On February 27, 2001, 28 cases were approved for dismissal. A brief enforcement hearing was held for Case #00-935 on May 21, 2001. Fourteen cases were dismissed between August 17 and September 14, 2001, and three additional cases were dismissed between September 15 and October 11, 2001. Two cases were heard as part of brief enforcement hearings held October 18, 2001 and two cases were heard as part of brief enforcement hearings held November 1, 2001. One additional case was dismissed on December 4, 2001. The Status of the remaining 2 cases is “Under Review.”

Candidates and Committees – On October 5, 2001, Robert Edelman filed 103 complaints against 98 candidates and five committees alleging that they had received contributions from out-of-state or federal committees who had not filed PDC form C-5 disclosing information about the contribution made, including the name and address of each person residing in the State of Washington or corporation which has a place of business in the State of Washington who has made one or more contributions in the aggregate of more than twenty-five dollars to the out-of-state or federal committee during the current calendar year, together with the money value and date of such contributions. On October 25, 2001, the candidates and committees named in the complaints were told that if they followed the express statutory remedy, which is to forfeit the funds received from these out-of-state or federal committees to the State of Washington, no further enforcement action would be taken. Four of the Respondents have been given individual case numbers and are listed under the status “Cases Closed” as cases dismissed with the concurrence of the Chair. In addition, the complaints against 96 of the remaining 99 candidates and committees have been dismissed with the

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concurrence of the Chair. These 99 cases were not assigned individual case numbers. These 96 cases were dismissed because it was found that the candidates and entities properly reported receipt of the contributions received from the IBU PAC and MEBA PAF. The IBU PAC and the MEBA PAF are both federal or out-of-state political committees that failed to file the C-5 report as required. The statutory remedy is for the recipient to forfeit the contributions received. The contributions have been forfeited to the State of Washington as required. PDC staff has made the IBU PAC and MEBA PAF aware of the reporting requirements for federal political action committees. Three cases remain “Under Review.”